

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL A. SMITH,

Defendant.

8:12CR252

ORDER

Defendant Michael A. Smith appeared before the court on May 26, 2017 on an Amended Petition for Offender Under Supervision [166]. The defendant was represented by Assistant Federal Public Defender Richard H. McWilliams, and the United States was represented by Assistant U.S. Attorney Frederick D. Franklin. Through his counsel, the defendant waived his right to a probable cause hearing on the Amended Petition for Offender Under Supervision [166] pursuant to Fed. R. Crim. P. 32.1(a)(1). The government moved for detention. A detention hearing was held. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger, the court finds the defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Judge Gerrard.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Gerrard in Courtroom No. 1, Third Floor, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on July 20, 2017 at 1:30 p.m. Defendant must be present in person.

2. The defendant, Michael A. Smith, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 30th day of May, 2017.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge